REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

At the outset, Applicants note with appreciation the courtesy of a personal interview extended by Examiner Debra Charles to Applicants' representative, Chien Yuan. The personal interview was conducted on February 26, 2004.

Applicants also note with appreciation Examiner Charles' indication that although a Revocation and New Appointment of Power of Attorney ("Revocation") was filed in the present application on June 27, 2003, the PTO's records do not reflect the requested revocation and appointment. Accordingly, Applicants herewith resubmit a copy of the Revocation and a cover letter associated with the Revocation along with a copy of the date-stamped filing receipt indicated that the PTO received these documents on June 27, 2003. Applicants respectfully request that the PTO record for the present application be updated per the requests of the Revocation.

Claims 13-50 are currently pending. Claims 13-42 are amended, and new Claims 43-50 are added, by the present amendment. Applicants respectfully submit that support for amended Claims 13-42 is self-evident from the originally-filed disclosure, including the original claims and figures. Applicants further submit that new Claims 43-50 recite subject matter identical to the subject matter of Claims 33, 35-39, 41, and 42, which have been duplicated as Claims 43-50 to eliminate the multiple dependency of Claim 33, per Examiner Charles' suggestion in the personal interview. No new subject matter is introduced to the claims by the foregoing amendment.

In the Office Action, Claims 27-30 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Claims 13-30 were rejected under 35 U.S.C. § 103(a) as unpatentable Block et al. (U.S. Patent No. 6,377,938; hereinafter "Block") in view of

Jagadish et al. (U.S. Patent No. 5,844,972A; hereinafter "Jagadish"). Claims 31-32 were rejected under 35 U.S.C. §103(a) as unpatentable over Jagadish. Claims 33-42 were rejected under 35 U.S.C. § 103(a) as unpatentable over Jagadish as applied to Claims 31 and 32 above, and further in view of Block.

The foregoing amendment amends portions of the specification to address formalities. Specifically, specification headings (e.g., "BACKGROUND OF THE INVENTION") are added, and typographical errors are addressed (e.g., all instances of "<sic.>" are removed from the specification). Further, the paragraph beginning at page 8, line 21, is amended to include the sentence: "The SIM chipcard 10 also includes a memory area 103 configured to store a pre-paid amount of money." This addition is fully supported at least by originally-filed Claim 13, which recites, "a third memory area (103), storing a pre-paid amount of money." Thus, no new subject matter is introduced to the Specification by the foregoing amendment.

In response to the rejection of Claims 27-30 under 35 U.S.C. § 112, second paragraph, Applicants submit that Claims 27-30, both in their originally-presented form and in their currently amended form, particularly point out and distinctly claim the subject matter that Applicants regard as aspects of the present invention. For example, amended Claim 27 recites a data carrier[1] including first profile storing means,[2] means for determining a statistical characteristic, means for changing a dynamic client profile, and means for determining a usage fee.[3] Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 27-30 under 35 U.S.C. § 112, second paragraph.

Regarding the rejection of Claims 13-30 under 35 U.S.C. § 103(a), Applicants respectfully submit that Block and Jagadish fail to teach or suggest these amended claims.

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[1] E.g., Applicants' specification at Figure 1 (SIM chipcard 10).
[2] E.g., id. at Figure 1 (memory area 101).
[3] E.g., id. at Figure 1 (chipcard processor 100), corresponding to all three recited means.

The claimed invention is directed to a billing system and a billing method that provide for immediate withdrawal of funds from a prepaid money account based on a stored dynamic client profile. Referring to the non-limiting example shown in Applicants' Figure 1, a mobile telephone 1 includes a SIM chip card 10 that includes a chip card processor 100 and memory areas 101-103. The memory area 101 is configured to store a dynamic user profile, and the memory area 103 is configured to store a prepaid amount of money.[4] When a customer uses the mobile telephone 1 to place a call, the chip card processor 100 determines a usage fee for the call based on the dynamic client profile stored in the memory area 101 and debits the amount of the usage fee from the money amount stored in the memory area 103.[5] The dynamic client profile is based on characteristics of previous connections of the customer, and because the usage fee is determined based on the dynamic client profile, the specific characteristics of the current call (e.g., the length of the call) are not used to determine the usage fee. In this way, the usage fee can be immediately charged to the customer's prepaid account before, during, or after a call connection is established.[6]

Amended Claim 13 recites a telecommunications terminal device[7] that includes, among other features, a pre-paid memory area, a first profile memory area, and a processor.[8] Applicants respectfully submit that neither Block nor Jagadish depict such a device. For example, Block discloses a network routing device 30 (Figure 1c) that includes a processor 60 and a memory 70. The network routing device 30, however, is not a telecommunications terminal device (e.g., the mobile telephone 1 shown in Applicants' Figure 1), as recited in amended Claim 13. Jagadish depicts calling telephones 102 and 104 (Figure 1a), which appear to qualify as telecommunications terminal devices. However, neither of these devices include a prepaid amount memory area, a first profile memory area, and a processor, as

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[4] *Id.* at page 8, lines 21-28; and Figure 1.
[5] *Id.* at page 8, lines 21-32.
[6] *Id.* at page 7, lines 15-23.
[7] E.g., *id.* at Figure 1 (mobile telephone 1).
[8] E.g., *id.* at Figure 1 (memory area 103, memory area 101, and chipcard processor 100, respectively).

recited in amended Claim 13. Because Block and Jagadish do not disclose a

telecommunications terminal device including these features, the suggested combination of

Block and Jagadish fails to teach or disclose amended Claim 13.

Accordingly, Applicants respectfully submit that amended Claim 13 is patentable

over Block and Jagadish for at least the reasons discussed above. Applicants respectfully

request reconsideration and withdrawal of the rejection of Claim 13 under 35 U.S.C. §

103(a). Claims 14-17 depend from amended Claim 13 and are allowable for at least the

reasons discussed above.

Amended Claim 18 recites a chip card[9] that includes a first profile memory area and a

processor.[10] The suggested combination of Block and Jagadish does not teach or suggest a

chipcard as recited in amended Claim 18. Block discloses the network routing device 30 that

includes the processor 60 and the memory 70 (Figure 1c), but does not depict a chip card

(e.g., the SIM chipcard 10 shown in Applicants Figure 1) including a first profile memory

area and a processor. Jagadish discloses a prepaid card 153A and a calling card 153B (Figure

1b), but neither of these cards are arranged as chipcards including a first profile memory area

and a processor, as recited in amended Claim 18. Therefore, Block and Jagadish fail to teach

or suggest amended Claim 18.

Accordingly, Applicants respectfully submit that amended Claim 18 is patentable

over Block and Jagadish for at least the above-discussed reasons. Applicants respectfully

request reconsideration and withdrawal of the rejection of Claim 18 under 35 U.S.C. §

103(a). Claims 19-22 depend from amended Claim 18 and are allowable for at least the

reasons discussed above.

Amended Claim 23 recites a billing system including a prepaid amount memory area

and means for debiting a usage fee from the prepaid money amount stored in the prepaid

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[9] E.g., *id.* at Figure 1 (SIM chip card 10).
[10] E.g., id. at Figure 1 (memory area 101 and chipcard processor 100).

amount memory area.[11] Block and Jagadish do not teach or suggest amended Claims 23.

The memory 70 depicted in Block (Figure 1c) includes a billing data memory 74, which

"stores information regarding the subscriber's usable balance."[12] However, the billing data

memory 74 does not store a prepaid money amount associated with the customer, and the

processor 60 does not debit a usage fee from a prepaid money amount stored in the billing

data memory 74. Further, Jagadish depicts a summary database 163 (Figure 1b) that includes

summary information for a prepaid telephone card, the summary information including the

current balance of the card.[13] However, the summary database 163 does not store a prepaid

money amount, and the system shown in Figure 1b of Jagadish does not include means for

debiting a usage fee from a prepaid money amount stored in the summary database 163. As

such, the suggested combination of Block and Jagadish does not teach or suggest amended

Claim 23.

Accordingly, Applicants respectfully submit that amended Claim 23 is patentable

over Block and Jagadish for at least the reasons discussed above. Applicants respectfully

request reconsideration and withdrawal of the rejection of amended Claim 23 under 35

U.S.C. § 103(a). Claims 24-26 depend from amended Claim 23 and are patentable for at least

the reasons discussed above.

Amended Claim 27 recites a data carrier[14] including first profile storing means

restoring a dynamic client profile, means for determining at least one statistical characteristic,

means for changing the dynamic client profile, and means for determining the usage fee

based on the stored dynamic client profile.[15] The suggested combination of Block and

Jagadish does not teach or suggest a data carrier as recited in amended Claim 27. Block

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[11] E.g., id. at Figure 1 (memory area 103 and chip card processor 100).
[12] Block at col. 6, lines 26-37.
[13] Jagadish at col. 5, lines 2-7.
[14] E.g., Applicants' specification at Figure 1 (SIM chip card 10).
[15] E.g., id. at Figure 1 (memory area 101 and chip card processor 100).

discloses the network routing device 30 that includes the processor 60 and the memory 70 (Figure 1c), but does not depict a data carrier (e.g., the SIM chipcard 10 shown in Applicants Figure 1) including a first profile memory area and the different means recited in amended Claim 27. Jagadish discloses a prepaid card 153A and a calling card 153B (Figure 1b), but neither of these cards are arranged as a data carrier including a first profile memory area and the different means recited in amended Claim 27. Therefore, Block and Jagadish fail to teach or suggest amended Claim 27.

Accordingly, Applicants respectfully submit that amended Claim 27 is patentable over Block and Jagadish for at least the reasons discussed above. Applicants respectfully request reconsideration and withdrawal of the rejection of Claim 27 under 35 U.S.C. § 103(a). Claims 28-30 depend from amended Claim 27 and are allowable for at least the reasons discussed above.

Amended Claim 31 recites a billing method including establishing a connection by a customer via a digital telecommunications network and calculating a usage fee before or during the establishing step based on the statistical characteristics of previous connections of the customer. Block and Jagadish fail to teach or suggest each and every step of the billing method recited in Claim 31. Neither Block nor Jagadish depict a step of establishing a connection by a customer via a *digital* telecommunications network; both systems described in the cited documents appear to use only analog communication systems. Further, neither Block nor Jagadish depict calculating a usage fee before or during the establishing step based on statistical characteristics of previous connections of a customer, as recited in amended Claim 31. In both Block and Jagadish, a bill amount is calculated at a point after the establishment of a connection. For example, in Block, timed cost signals are generated at regular time intervals and represent predetermined charge amounts. These cost signals are only generated by the processor 60 after a connection is established and while the call is in
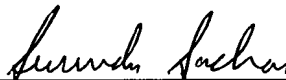
progress.[16] Jagadish depicts a method for determining if a prepaid card balance is sufficient before an initiated call is routed to a destination.[17] However, Jagadish does not describe calculating a usage fee before or during an establishment step; like Block, Jagadish describes that a call bill amount is determined only after a connection is established. As such, Block and Jagadish do not teach or suggest amended Claim 31.

Accordingly, Applicants respectfully submit that amended Claim 31 is allowable over Block and Jagadish for at least the reasons discussed above. Applicants respectfully request reconsideration and withdrawal of the rejection of Claim 31 under 35 U.S.C. § 103(a). Claims 32-50 depend from amended Claim 31 and are allowable at least for the reasons discussed above.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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[16] Block at column 6, lines 48-52.
[17] Jagadish at column 6, lines 34-53.

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